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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/061,363

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Vyacheslav S. Belenko

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02/05/2008

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|---|---------------------------------------|--|
| Office Action Summary | Application No. 10/061,363 | Applicant(s) BELENKO ET AL. | |
| | Examiner Christopher J. Brown | Art Unit 2134 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The Request for Continued Examination has been entered and accepted.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection in view of Czajkowski US 7,100,048.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 5, 9, 10, 11, 13, 14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Ho US 6,148,342 in view of Van Oorshot US 6,229,894 in view of Czajkowski US 7,100,048.

As per claims 1, 5, 9, 10, 11, 13, 14, 16, and 17 Sims III teaches a media distribution system in which the media data is encrypted with a symmetric key, (Col 10 lines 15-20, 53-60). Sims III teaches distributing the symmetric media key by encrypting it with a public key (Col 10 lines 45-55). Sims III teaches decrypting said media key with a private key, and using said media key to exchange data, (Col 10 lines 55-65). Sims

teaches that content key, is rendered useless if the compliant device does not contain the correct private key, thus preventing media playback (Col 17 lines 40-45).

Sims III fails to teach sending private key identification by encrypting an ID. Sims III fails to teach a master key or encrypting said master key with the devices public key.

Ho teaches encrypting an identifier using a public key of the recipient (media certificate), (Col 3 lines 54-56). Ho teaches finding the corresponding private key to decrypt the identifier, (Col 3 lines 57-59).

It would have been obvious to one of ordinary skill in the art to use the identifier of Ho with the DRM of Sims III because it allows the recipient to find the private key needed to decrypt future submissions from the sender.

Van Oorshot teaches updating the public key certificate including a new public and private key (Col 6 line 64 to Col 7 line 4). It would have been obvious to one of ordinary skill in the art to update the certificate on a periodic basis in order to prevent key compromise.

Czajowski teaches a method upon which a Master key (private key Figure 4, 48) is encrypted with the devices public key (public key Figure 4, 50). Czajowski teaches encrypting the data with said master key, and the receiver decrypting the master key with the devices public key, and decrypting the message with the Master key (private key). (Figure 4, Col 4 lines 10-37, Col 5 lines 10-15). It would have been obvious to one of ordinary skill in the art to use the key of Czajowski with the previous system because it allows additional security protection

As per claim 18 Van Oorshot teaches keeping a private key history, (Col 10 lines 1-10).

As per claims 19, and 20, Czajowski teaches encrypting data with a master key of the playing device (Figure 4, Col 4 lines 10-37, Col 5 lines 10-15).

Van Oorshot teaches securely transmitting updates private/public key pair Col 9 lines 53-56. It would have been obvious to one of ordinary skill in the art to use the device key in Sims with the transmission of Van Oorshot so that the device could securely receive updated keys.

As per claim 21 Czajowski teaches encrypting data with the current public key of the device (Figure 4, Col 4 lines 10-37, Col 5 lines 10-15).

Claims 2-4, 6-8, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sims III US 6,550,011 in view of Ho US 6,148,342 in view of Van Oorshot US 6,229,894 in view of Czajkowski US 7,100,048 in view of Zubeldia US 6,044,462.

As per claims 2, 6, 12, and 15 the previous Sims III combination does teach storing keys, (Col 13 lines 8-20). SimsIII does not teach a key list with revoked keys.

Zubeldia teaches a stored list of keys that have previously been revoked, (Col 4 lines 8-18).

It would have been obvious to one of ordinary skill in the art to use the list of keys of Zubeldia with the data distribution system of SimsIII combination because it would allow the user to know the security status of the key being used and if it is trustworthy.

As per claims 3, and 7, SimsIII combination teaches storing private keys, (SimsIII Col 13 lines 8-20).

As per claims 4, and 8 SimsIII combination teaches stored private keys are in a secure memory,
(SimsIII Col 11 lines 18-25).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571)272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Application/Control Number:
10/061,363
Art Unit: 2134

Page 6

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher J. Brown

2/4/08

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